



## DISABILITY AND COMMUNICATION ACCESS BOARD

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### INTERPRETIVE OPINION

Pursuant to §103-50, Hawaii Revised Statutes (HRS), all buildings and facilities constructed by, or on behalf of the State or any county, shall conform to the 2004 Americans with Disabilities Act Accessibility Guidelines (2004 ADAAG) and amendments. In accordance to HRS §103-50 and Chapter 11-217, Hawaii Administrative Rules, the Disability and Communication Access Board has authority to issue interpretive opinions to HRS §103-50 design standards.

**Docket:** **DCAB 2011-03: What is considered ‘outdoor rinsing showers’ and are they required to be accessible? If they are required to be accessible, what are the scoping and technical requirements for accessible outdoor rinsing showers?**

**Summary:** The 2004 ADAAG does not address rinsing showers located in outdoor areas. There are a number of State and county facilities with outdoor rinsing showers where walls or enclosed spaces are not provided and where vandalism is a concern. These showers are not intended as “shower compartments”. It is not always practical or reasonable to require the construction of shower stalls where outdoor rinsing showers are provided. Yet if outdoor rinsing showers are provided, an accessible rinsing shower must also be provided for the use of persons with disabilities.

The U.S. Access Board is the federal agency responsible for researching and developing minimum standards for accessibility; their guidelines are later adopted by various federal agencies as standards. There are guidelines that have been developed but have not yet been adopted by an enforcement agency as a standard. The DOJ has advised that these guidelines can be used as best practice.

The U.S. Access Board has published the **Draft Final Accessibility Guidelines for Outdoor Developed Areas**, which includes technical provisions for outdoor rinsing showers. The current draft does not include grab bars for outdoor rinsing showers. DCAB submitted comments to the Access Board during its NFPRM comment period urging the Access Board to reconsider the requirement for grab bars at outdoor rinsing showers. The U.S. Access Board has not published their final rule in the federal register regarding Accessibility Guidelines for Outdoor Developed Areas.

DCAB feels that grab bars should be required at outdoor rinsing showers since someone with a disability relies on grab bars for support and assistance when standing or using the shower and the shower controls. While someone may not be “bathing” or disrobing at an outdoor rinsing shower, their operation of the controls and need for support and assistance due to their disability would be the same as someone using a “bathing shower”. Without grab bars it could be very difficult, if not impossible, for some individuals to use a rinsing shower.

### **ADAAG Section 213 Toilet and Bathing Facilities**

Outdoor rinsing showers are showers that permit people to wash off sand, water, dirt, debris, etc. They are not designed for bathing, as they are generally located within view of the general public and do not offer privacy and people are usually not permitted to disrobe.

At least 20% but not less than one outdoor rinsing shower shall be provided in each area, in new construction and alterations, and shall comply with the following:

**Outdoor Rinsing Showers.** Outdoor rinsing showers shall provide at least two fixed shower heads. One fixed shower head shall be 48 inches minimum and 54 inches maximum above the ground surface, and one fixed shower head shall be 72 inches minimum above the ground surface.

**EXCEPTION.** A hand-held shower spray unit complying with 608.6 shall be permitted instead of the fixed shower head 48 inches minimum and 54 inches maximum above the ground surface.

**Clear Ground Space.** A clear ground space shall comply with provisions for size and location, firm and stable surface, and slope.

**EXCEPTIONS:** Where individual outdoor constructed features are altered and the ground surface is not altered, the clear ground space shall not be required to comply with surface and slope requirements.

**Size and Location.** 60 inches by 60 inches centered on the shower heads. Locate the clear ground space so that the shower pedestal or shower head are at the rear end of the space. One full unobstructed side of the clear ground space shall adjoin or overlap an accessible route or another clear ground space.

**Surface.** The surface of the clear ground space shall be firm, stable and slip-resistant.

**Slope.** The slope of the clear ground space surface shall not be steeper than 1:48 in any direction.

**EXCEPTION.** When the surface is other than asphalt, concrete, or boards, slopes not steeper than 1:33 shall be permitted where necessary for drainage.

**Openings.** Openings in clear ground space surface shall comply with 302.3.

**Operable Parts.** Operable parts shall comply with 309.3 and 309.4.

**Grab Bars.** Grab bars shall be provided and shall comply with ADAAG Section 609. In addition, at least one grab bar shall comply with one of the following provisions:

- a) **Vertical Grab Bar.** Where the shower head is mounted on a post, a vertical grab bar shall be provided under the shower head and shall start 33 inches (840 mm) maximum above the floor and extend to within at least 3 in (75 mm) of the shower head.
- b) **Circular Grab Bar.** Where the showerhead is mounted on a post, a grab bar that surrounds the usable part of the post shall be provided. The grab bar shall be provided 33 inches (840 mm) minimum to 36 inches (915 mm) maximum above the floor.
- c) **Horizontal Grab Bar.** A horizontal grab bar extending 18 inches (455 mm) minimum in both directions from the center line of the shower head shall be provided under the shower head. The grab bar shall be provided 33 inches (840 mm) minimum to 36 inches (915 mm) maximum above the floor.

[Rul:01/03/2011] (Auth and Imp: HRS §103-50)